

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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TAYLOR RAE HINE,  
*on her own behalf and on behalf of others similarly  
situated,*

*Plaintiff,*

-against-

INSOMNIA COOKIES, KRISPY KREME INC,  
f/d/b/a Krispy Kreme Doughnut of New York  
d/b/a Krispy Kreme, and SETH BERKOWITZ,

*Defendants.*  
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Civ. No.: 6:22-cv-06075 (DGL)

**DEFENDANTS' NOTICE OF MOTION**  
**TO VACATE JUDGMENT AND ENTER AMENDED JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Douglas J. Klein Esq., executed on July 13, 2022, and the exhibits attached thereto, and the Memorandum of Law in Support of Defendants' Motion to Vacate Judgment and Enter Amended Judgment in the above-referenced action dated July 13, 2022 (the "Motion"), submitted herewith, and all the pleadings and proceedings in this action, pursuant to Fed. R. Civ. P. 60(b) and 68, Defendants Insomnia Cookies, LLC (incorrectly named as Insomnia Cookies, ("Insomnia") (and for purposes of this submission together with Serve U Brands, Inc., the "Company"), Krispy Kreme, Inc., and Seth Berkowitz (collectively "Defendants"), by and through their undersigned counsel, will move this Court before the Hon. David G. Larimer, United States District Judge, at the United States District Court for the Western District of New York, Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, at a time and date to be determined by the Court, for an order granting Defendants' Motion, and for such other and further relief as the Court deems just and proper, including costs and reasonable attorneys' fees.

**PLEASE TAKE FURTHER NOTICE** that, Defendants intend to file and serve reply papers as permitted by the Federal Rules of Civil Procedure, the Court, and/or this Court's Local Rules of Civil Procedure.

Dated: July 13, 2022  
New York, New York

Respectfully submitted,

JACKSON LEWIS P.C.  
*ATTORNEYS FOR DEFENDANTS*  
666 Third Avenue, 29th Floor  
New York, NY 10017  
Phone: (212) 545-4000

By: *s/ Douglas J. Klein*  
Noel P. Tripp  
Douglas J. Klein

**CERTIFICATION OF SERVICE**

I hereby certify that on this 13th day of July, 2022, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Rules on Electronic Service upon the following parties and participants:

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AARON SCHWEITZER  
TIFFANY TROY  
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*s/ Douglas J. Klein*  
DOUGLAS J. KLEIN, ESQ.